

EXHIBIT E

February 12, 2016

VIA E-MAIL [cbreed@topratedonline.com]
CONFIRMATION COPY VIA FEDERAL EXPRESS

WRITER'S DIRECT LINE
212.338.3527
albaum@foley.com EMAIL
CLIENT/MATTER NUMBER
100718-0101

Mr. Carl Breed IV
Top Rated Online LLC
1115 South University
Ann Arbor, Michigan 48104

Re: Trademark Infringement

Dear Mr. Breed:

We represent DR Media Holdings LLC which does business as DealerRater. We are writing to you in relation to your trademark infringement and false representations in the sale of "Customer Satisfaction Award" plaques and banners.

As you are aware, DealerRater is the premier on-line forum and Internet based information provider relating to automotive dealerships in the U.S. In connection with providing a forum for information about dealerships and an advertising outlet for dealers, DealerRater has long been using its trademark DEALERRATER and has established valuable goodwill in this mark. DealerRater owns, *inter alia*, U.S. Trademark Registrations Nos. 3,843,396 and 4,803,777 for its trademark DEALERRATER. Copies of the Certificates of Registration for these trademarks are enclosed.

Additionally, as you are also no doubt aware, DealerRater designates certain dealers each year as recipients of its Consumer Satisfaction Award, based on feedback and ratings from consumers. Recipients of DealerRater's Consumer Satisfaction Award may obtain certain materials confirming that designation free of charge from DealerRater. Our client does not sell plaques or any other materials to commemorate the award.

We have recently learned that you are offering to sell plaques and banners to automobile dealers who have been designated as recipients of our client's Consumer Satisfaction Award. The plaques and banners incorporate our client's registered trademark DEALERRATER within you own "Top Rated Online" logo. They also contain actual quotes from consumers and customers about the dealer. We understand further that, in offering to sell these plaques and banners to dealers, you are misrepresenting yourself as an employee of DealerRater.

Your unauthorized use of our client's registered trademark is likely to lead dealers and consumers to believe that you are part of DealerRater or are sponsored, licensed or authorized by DealerRater. This constitutes infringement of our client's registered trademark in violation of the U.S. Trademark Act, 15 U.S.C. § 1051 *et seq.* Your unauthorized use of customer comments, taken from our client's website, violates the Terms of Use of that website. And any misrepresentation of yourself as an employee of DealerRater would constitute false advertising in violation of Section

BOSTON
BRUSSELS
CHICAGO
DETROIT

JACKSONVILLE
LOS ANGELES
MADISON
MIAMI

MILWAUKEE
NEW YORK
ORLANDO
SACRAMENTO

SAN DIEGO
SAN DIEGO/DEL MAR
SAN FRANCISCO
SHANGHAI

SILICON VALLEY
TALLAHASSEE
TAMPA
TOKYO
WASHINGTON, D.C.



FOLEY & LARDNER LLP

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43(a) of the Trademark Act, and violate statutory and common law in the State of Michigan. Finally, your unauthorized

Accordingly, we demand your prompt assurance, in writing, that you will immediately cease and desist from all further offering for sale, marketing or distribution of any plaques, banners or other materials bearing our client's registered trademark DEALERRATER. We also demand that all persons associated with or representing Top Rated Online LLC immediately cease and desist from any further representation of themselves as either employees of DealerRater or authorized representatives of our client. Finally, we demand that you deliver up to our client for destruction all plaques, banners and other tangible materials which bear our client's DEALERRATER trademark.

If we have prompt compliance with these demands, DealerRater will be willing to enter into an appropriate settlement agreement which will avoid the need for litigation. If we do not have your prompt compliance, however, we will advise our client to take all necessary steps to protect its valuable trademark rights and avoid any damage to its reputation through your deceptive practices.

This is urgent matter which requires your immediate response. Please let us hear from you by no later than **February 17, 2016**. The foregoing is without prejudice to the rights and remedies of DR Media Holdings LLC, all of which are expressly reserved.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Andrew Baum', written over a horizontal line.

Andrew Baum

AB:ws
Enclosures

United States of America

United States Patent and Trademark Office

DEALERRATER

Reg. No. 3,843,396

Registered Aug. 31, 2010

Int. Cl.: 35

SERVICE MARK

SUPPLEMENTAL REGISTER

DEALERRATER.COM, LLC (MASSACHUSETTS LIMITED LIABILITY COMPANY)
57 WHITMAN ROAD
WALTHAM, MA 02453

FOR: PROVIDING ONLINE INFORMATION SERVICES FEATURING REVIEWS AND RATINGS OF MOTOR VEHICLE DEALERSHIPS AND MOTOR VEHICLES POSTED BY USERS, MOTOR VEHICLE NEWS AND RECALLS, MOTOR VEHICLE CLASSIFIED ADVERTISEMENTS, AND MOTOR VEHICLE DEALERSHIP INVENTORIES; PROVIDING WEBSITE SPACE FOR ADVERTISING GOODS AND SERVICES OF MOTOR VEHICLE DEALERSHIPS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-23-2002; IN COMMERCE 11-23-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-002,060, FILED P.R. 3-30-2010; AM. S.R. 6-30-2010.

SHAUNIA CARLYLE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

DEALERRATER

Reg. No. 4,803,777

Registered Sep. 1, 2015

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

DR MEDIA HOLDINGS, LLC (DELAWARE LIMITED LIABILITY COMPANY)
203 CRESCENT ST., SUITE 503
WALTHAM, MA 02453

FOR: PROVIDING ONLINE INFORMATION SERVICES FEATURING REVIEWS AND RATINGS OF MOTOR VEHICLE DEALERSHIPS AND MOTOR VEHICLES POSTED BY USERS, MOTOR VEHICLE NEWS AND RECALLS, MOTOR VEHICLE CLASSIFIED ADVERTISEMENTS, AND MOTOR VEHICLE DEALERSHIPS; MARKETING SERVICES, NAMELY, CONDUCTING CONSUMER TRACKING BEHAVIOR RESEARCH AND CONSUMER TREND ANALYSIS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-23-2002; IN COMMERCE 11-23-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,843,396, 3,873,182, AND 4,558,329.

SEC. 2(F).

SER. NO. 86-515,092, FILED 1-27-2015.

HAI-LY LAM, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office